

Court of Appeals, State of Michigan

ORDER

People of MI v Andre Charles Ferguson

Docket No. 283172

LC No. 06-002090-FJ

Mark J. Cavanagh
Presiding Judge

Kathleen Jansen

Elizabeth L. Gleicher
Judges

This case is before the Court on remand from the Michigan Supreme Court for reconsideration of that part of defendant's application challenging the imposition of attorney fees. In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2) the Court orders that the portion of the sentence that ordered defendant to reimburse \$1307 in attorney fees is VACATED and the matter is REMANDED to the trial court for consideration of defendant's present and future ability to reimburse the county for the cost of representation. *People v Trapp (On Remand)*, 280 Mich App 598, 600-601; ___ NW2d ___ (2008). An evidentiary hearing is not required on remand; the trial court may rely on an updated report from the probation department. An amended judgment of sentence should be entered consistent with the trial court's conclusion. *Id.*

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 2 2009

Date

Sandra Schultz Mengel
Chief Clerk